

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MADELYN TERRELL,

Plaintiff,

v.

Case No. 14-12794

PNC BANK, N.A.,

Defendant.

**OPINION AND ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT AND
FOR STAY OF EXECUTION PENDING DISPOSITION OF MOTION**

Pending before the court is a Motion for Relief from Judgment and for Stay of Execution Pending Disposition of Motion, filed by Plaintiff Madelyn Terrell on October 8, 2014 (Dkt. # 13). Having reviewed the briefs, the court concludes a hearing is unnecessary. See E.D. Mich. LR 7.1(f)(2). For the reasons stated below, the court will deny the motion.

Plaintiff brought this action on April 9, 2014 in Washtenaw County Circuit Court alleging that Defendant PNC Bank, N.A. ("PNC") wrongfully commenced foreclosure proceedings on a property located at 1244 Rue Willette Boulevard in Ypsilanti, Michigan (the "Property"). PNC removed the case to this court on July 16, 2014. In the foreclosure proceeding, the 14B Judicial District Court in Ypsilanti issued a Judgment of Possession in favor of PNC on September 2, 2014, ordering Plaintiff to vacate the premises. Plaintiff now moves to stay execution of the Judgment of Possession.

The Anti-Injunction Act ("AIA"), 28 U.S.C. § 2283 bars the relief Plaintiff seeks. The AIA provides that "[a] court of the United States may not grant an injunction to stay

proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.” *Id.* Plaintiff does not identify an applicable exception to the AIA and the court can find none. The state court judgment is properly challenged in the state court. The motion must be denied. Accordingly,

IT IS ORDERED that Plaintiff’s Motion for Relief from Judgment and for Stay of Execution Pending Disposition of Motion (Dkt. # 13) is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 16, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 16, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522